Case 09-20912 Doc 1 Filed 06/09/09 Entered 06/09/09 11:08:26 Desc Main Document Page 1 of 9

United States Bankruptcy Court Northern District of Illinois						Voluntary	Petition				
Name of Debtor (if in Mulford, John S		er Last, First	, Middle):			Name	of Joint Do	ebtor (Spouse	e) (Last, First	, Middle):	
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):						All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):					
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)					IN Last for	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)					
xxx-xx-4954 Street Address of Debtor (No. and Street, City, and State): 2492 Mallard Drive Lindenhurst, IL ZIP Code					Street Address of Joint Debtor (No. and Street, City, and State):  ZIP Code						
County of Docidence	on of the Dain	oimal Dlaga o	f Dusinss		60046		v of Dooids	and on of the	Duin aim al Di	ace of Business:	Zii Code
County of Residence of <b>Lake</b>	or of the Prin	icipai Piace o	i Busines:	s:		Count	y of Reside	ence or or the	Principal Pi	ace of Business:	
Mailing Address of Do	ebtor (if diffe	erent from str	eet addres	ss):		Mailir	ng Address	of Joint Debt	tor (if differe	ent from street address):	
				Г	ZIP Code	_					ZIP Code
Location of Principal A (if different from stree			r			<b> </b>					
Type of Debtor (Form of Organization) (Check one box)  ■ Individual (includes Joint Debtors) See Exhibit D on page 2 of this form.  □ Corporation (includes LLC and LLP) □ Partnership □ Other (If debtor is not one of the above entities,			Nature of Business (Check one box)  Health Care Business Single Asset Real Estate as defi in 11 U.S.C. § 101 (51B) Railroad Stockbroker Commodity Broker Clearing Bank Other  Tax-Exempt Entity (Check box, if applicable) Debtor is a tax-exempt organiza under Title 26 of the United Sta Code (the Internal Revenue Code				Chapt	the 1 der 7 der 9 der 11 der 12	Petition is Fi	ptcy Code Under Whie iled (Check one box) hapter 15 Petition for R f a Foreign Main Procee hapter 15 Petition for R f a Foreign Nonmain Pro-	ecognition ding ecognition
check this box and state type of entity below.)		e) anization d States				tates "incurred by an individual primarily for					
■ Full Filing Fee atta □ Filing Fee to be pa attach signed appli is unable to pay fe □ Filing Fee waiver attach signed appli	nched  id in installn  cation for the e except in in	e court's cons nstallments. F	able to inc sideration Rule 1006 hapter 7 i	certifying t (b). See Offi ndividuals	hat the debt cial Form 3A only). Must	Check	Debtor is if: Debtor's to insider all applica A plan is Acceptane	a small busing not a small busing aggregate not a small busing sor affiliates; able boxes: being filed woces of the pla	ncontingent 1 are less than with this petition were solici	s defined in 11 U.S.C. § or as defined in 11 U.S. liquidated debts (excludin \$2,190,000.	C. § 101(51D).  ing debts owed  e or more
Statistical/Administra  Debtor estimates the Debtor estimates there will be no further the	nat funds wil nat, after any	l be available exempt prop	erty is ex	cluded and	administrat		es paid,		THIS	S SPACE IS FOR COURT	USE ONLY
Estimated Number of  1- 50- 49 99	Creditors  100- 199	200- 999	1,000- 5,000	5,001- 10,000	10,001- 25,000	25,001- 50,000	50,001- 100,000	OVER 100,000			
Estimated Assets	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion				
Estimated Liabilities	\$100,001 to \$500,000		\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion				

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B1 (Official For	m 1)(1/08)	Page 2 01 9	Page 2	
Voluntar	y Petition	Name of Debtor(s):  Mulford, John S		
(This page mu	st be completed and filed in every case)	Mullord, John S		
( F ug	All Prior Bankruptcy Cases Filed Within Last	t 8 Years (If more than two, at	tach additional sheet)	
Location Where Filed:		Case Number:	Date Filed:	
Location Where Filed:		Case Number:	Date Filed:	
Pe	nding Bankruptcy Case Filed by any Spouse, Partner, or	Affiliate of this Debtor (If mo	ore than one, attach additional sheet)	
Name of Debt - None -	or:	Case Number:	Date Filed:	
District:		Relationship:	Judge:	
	Exhibit A	(To be completed if debter is an in	Exhibit B adividual whose debts are primarily consumer debts.)	
forms 10K a pursuant to S and is reques	oleted if debtor is required to file periodic reports (e.g., and 10Q) with the Securities and Exchange Commission Section 13 or 15(d) of the Securities Exchange Act of 1934 sting relief under chapter 11.)  A is attached and made a part of this petition.	I, the attorney for the petitione have informed the petitioner the 12, or 13 of title 11, United States	r named in the foregoing petition, declare that I nat [he or she] may proceed under chapter 7, 11, ates Code, and have explained the relief available her certify that I delivered to the debtor the notice.  June 1, 2009	
	E-d	 iibit C		
	or own or have possession of any property that poses or is alleged to Exhibit C is attached and made a part of this petition.	· · · ·	ntifiable harm to public health or safety?	
	Exh	ibit D		
Exhibit  If this is a join	-	a part of this petition.		
☐ Exhibit	D also completed and signed by the joint debtor is attached a		-	
	Information Regardin	=		
•	(Check any ap Debtor has been domiciled or has had a residence, princip days immediately preceding the date of this petition or for	al place of business, or princip		
	There is a bankruptcy case concerning debtor's affiliate, go	eneral partner, or partnership p	ending in this District.	
Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.				
	Certification by a Debtor Who Reside (Check all app		Property	
	Landlord has a judgment against the debtor for possession		hecked, complete the following.)	
	(Name of landlord that obtained judgment)			
	(Address of landlord)	<del></del>		
	Debtor claims that under applicable nonbankruptcy law, the entire monetary default that gave rise to the judgment	for possession, after the judgme	ent for possession was entered, and	
	Debtor has included in this petition the deposit with the coafter the filing of the petition.	·		
	Debtor certifies that he/she has served the Landlord with the	his certification. (11 U.S.C. § 3	62(l)).	

B1 (Official Form 1)(1/08)

## Voluntary Petition

(This page must be completed and filed in every case)

#### Signatures

## Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

## X /s/ John S Mulford

Signature of Debtor John S Mulford

X

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

June 1, 2009

Date

#### Signature of Attorney\*

## X /s/ Edwin L. Feld

Signature of Attorney for Debtor(s)

#### Edwin L. Feld 6188070

Printed Name of Attorney for Debtor(s)

#### Feld & Korrub, LLC

Firm Name

29 South LaSalle Street Suite 328 Chicago, IL 60603

Address

#### 312-263-2100 Fax: 312-263-9838

Telephone Number

## June 1, 2009

Date

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

#### Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

#### Signature of a Foreign Representative

Page 3

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

Name of Debtor(s):

Mulford, John S

- ☐ I request relief in accordance with chapter 15 of title 11. United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.
- ☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

## **Signature of Non-Attorney Bankruptcy Petition Preparer**

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankrutpcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)

X

Date

Address

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

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B 1D(Official Form 1, Exhibit D) (12/08)

## **United States Bankruptcy Court** Northern District of Illinois

		1 (of the H District of Immors		
In re	John S Mulford		Case No.	
		Debtor(s)	Chapter	7

## EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.
- □ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.] \_\_\_\_

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

□ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]

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B 1D(Official Form 1, Exhibit D) (12/08) - Cont.
☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or
mental deficiency so as to be incapable of realizing and making rational decisions with respect to
financial responsibilities.);
☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being
unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or
through the Internet.);
☐ Active military duty in a military combat zone.
☐ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.
I certify under penalty of perjury that the information provided above is true and correct.
Signature of Debtor: /s/ John S Mulford John S Mulford
Date: June 1, 2009

## UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS

# NOTICE TO CONSUMER DEBTOR(S) UNDER § 342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a **joint case** (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

## 1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days before the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

## 2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

## Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total Fee \$299)

- 1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.
- 2. Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.
- 3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.
- 4. Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

# <u>Chapter 13</u>: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments

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over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

- 2. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.
- 3. After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

## Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

## **Chapter 12:** Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

## 3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

**WARNING:** Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

## **Certificate of Attorney**

X /s/ Edwin L. Feld

Signature of Attorney

I hereby certify that I delivered to the debtor this notice required by § 342(b) of the Bankruptcy Code.

29 South LaSalle Street Suite 328 Chicago, IL 60603 312-263-2100							
Certificate of Debtor I (We), the debtor(s), affirm that I (we) have received and read this notice.							
John S Mulford	${ m X}^{{}}$ /s/ John S Mulford	June 1, 2009					
Printed Name(s) of Debtor(s)	Signature of Debtor	Date					
Case No. (if known)	X						
<del></del>	Signature of Joint Debtor (if any	y) Date					

Edwin L. Feld

Address:

Printed Name of Attorney

June 1, 2009

Date

Applied Bank PO Box 17120 Wilmington, DE 19886

Barclays Bank of Delaware 125 South West St Wilmington, DE 19801

Capital One Bank PO Box 6492 Carol Stream, IL 60197

CIT Group 715 Metropolitan Ave PO Box 24330 Oklahoma City, OK 73124

Direct Merchants Bank PO Box 29468 Phoenix, AZ 85038

GEMB JC Penney PO Box 981131 El Paso, TX 79998

GMAC PO Box 9001952 Louisville, KY 40290

HSBC Card Services PO Box 88000 Baltimore, MD 21288

HSBC Card Services PO Box 17313 Baltimore, MD 21297

HSBC Card Services PO Box 17051 Baltimore, MD 21297

Juniper Bank PO Box 13337 Philadelphia, PA 19101 Leslie Klocek 102 E Grand Ave Lake Villa, IL 60046

Lowes PO Box 960010 Orlando, FL 32896

Merrick Bank PO Box 5721 Hicksville, NY 11802

Sally Mulford 2492 Mallard Drive Lake Villa, IL 60046

Sally Mulford